IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5807 of 2005

Between:

M/s. Santoshi Maa Mini Modern Rice Mill, rep.by its partner Sri Y.Brahmam Goud,
Bibigudem, Suryapet Taluk, Dsit.Nalgonda(A.P).

..... PETITIONER

AND

1 The Central Power Distribution Company of Andhra Pradesh, rep.by its Chairman and Managing Director,
Hyderabad.
2 The Divisional Engineer Electrical (Operation) Suryapet, Nalgonda District.(A.P).
3 The Asst.Accounts officer, (ERO), Suryapet, Nalgonda District (A.P).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ the nature of Mandamus declaring the action of the Respondents in trying to collect monthly minimum charges from the petitioners during the drought period as illegal, arbitrary and contrary to settled cannons of law and in violation of the rights guaranteed under the constitution and in flagrant violation of the principles of natural justice and pass such other further or other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.HANUMANTHA RAO

Counsel for the Respondent No.: MR.V.AJAYAKUMAR, SC for APSEB

The court at the stage of admission made the following:

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ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Mandamus declaring the action of the respondents in trying to collect monthly minimum charges from the petitioner during the drought period, as illegal and arbitrary.

The learned counsel appearing for the petitioner submits that the entire area in Nalgonda District, where the petitioner runs his Unit, is a drought hit area. Even though the mill is not functioning, the petitioner has been somehow, managing to pay the minimum electricity charges. But stage has now reached where the petitioner is not in a position to pay even the minimum electricity charges because of the acute drought situation.

In such circumstances, the petitioner made a representation to the respondents to consider his case. It is further submitted that the Government is bent upon to consider the situation.

Hence, having regard to the facts and circumstances, it is desirable to direct the respondents to consider the representation made by the petitioner, taking into account the drought condition prevailing as on date, and also taking stock of the entire situation in that particular area, if necessary, in consultation with the Government. However, in view of the fact that disconnection of power supply has not yet been done, but is on the anvil, I direct the respondents not to resort to disconnection of power supply to the petitioner-Unit.

Accordingly, the Writ Petition is disposed of. No costs.

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D.S.R. VARMA, J

DATED: 22.03.2005

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To

1 The Central Power Distribution Company of Andhra Pradesh, rep.by its Chairman and Managing Director,
Hyderabad.
2 The Divisional Engineer Electrical (Operation) Suryapet, Nalgonda District.(A.P).
3 The Asst.Accounts officer, (ERO), Suryapet, Nalgonda District (A.P).

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